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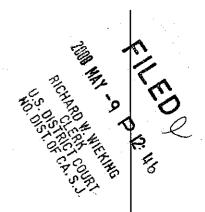
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PETITION

James Alan Bush 1745 De Marietta Avenue #3 San Jose, CA 95126 (408) 982-3272

Plaintiff in pro per



#### UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

### SAN JOSE DIVISION

James Alan Bush,

Petitioner,

Petitioner,

AGAINST SUPERIOR COURT OF

V.

CALIFORNIA, COUNTY OF SANTA CLARA,

FAMILY DIVISION

Superior Court of California,

Santa Clara County, Family

Division,

Respondent.

Case No.: C 08-01354 (RS) JF

COURT OF

CALIFORNIA, COUNTY OF SANTA CLARA,

FAMILY DIVISION

[Code Civ. Proc. §§ 1085, 1086(;

Cal. Rules of Ct., Rule 8.490)]

Judge Jeremy Fogel

# PETITION FOR WRIT OF MANDATE

Comes now the Petitioner, James Alan Bush, on information, belief and established facts, by and through his own counsel of record, in pro se, and for his causes of action against Respondent, Superior Court of California, Santa Clara County, Family Division, states the following:

Petitioner is seeking mandamus relief to which he is entitled under [Code Civ. Proc. §§ 1085, 1086(; Cal. Rules of Ct., Rule 8.490)] against Respondent, Superior Court of California, County of Santa Clara, Family Division to compel discovery and permit the filing of a temporary restraining order.

On March 12th, 2008, Petitioner attempted to file for a temporary restraining order at the Superior Court of California, County of Santa Clara, Family Division; however, it was rejected by the clerk because plaintiff could not ascertain the true names and capacities of Defendants, STALKER DOES ONE to SEVEN, prior to filing.

On the same date, Petitioner attempted to file a complaint for stalking and harassment at both the Santa Clara County Office of the Sheriff and the San Jose Police Department; both agencies refused, citing lack of jurisdiction or wrong venue, respectively.

## RELIEF REQUESTED

WHEREFORE, Petitioner asks this Court to order Respondent to compel the:

- 1. Clerk of the Superior Court of California, Santa Clara County, Family Division, to allow petitioner to file his complaint for civil harassment; or, in the alternative, grant a temporary restraining order to enjoin the defendants from stalking plaintiff;
- 2. San Jose Police Department, Santa Clara County Office of the Sheriff, or the California Department of Motor Vehicles, to reveal the true names and capacities of the STALKER DOES ONE to SEVEN to Petitioner based on the license plate number of each; or, in the

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alternative, order the Santa Clara County Office of the Sheriff to serve process to STALKER DOES ONE to SEVEN, until the Court has held a hearing between the two parties; and,

Superior Court of California, County of Santa Clara, Family Divison, to issue a temporary restraining order, ex parte, and set a hearing for a permanent restraining order.

Petitioner:

Dated: 5-9-08

## CERTIFICATE OF SERVICE

A copy of the above notice of motion was mailed by certified mail, return receipt requested, to Superior Court of California, County of Santa Clara, Family Division, San Jose Police Department and the Office of the Attorney for the City of San Jose, the Santa Clara County Office of the Sheriff and the District Attorney for the County of Santa Clara, and the California Department of Motor Vehicles, on May 9th, 2008.

Petitioner:

Dated: 5-9-08

C 08-01354 (RS) JF

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